



Association of California Water Agencies

Leadership Advocacy Information *Since 1910*

September 30, 2011

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

Re: Fifth Draft – Delta Plan

Dear Chairman Isenberg and Members of the Council:

On the behalf of the Ag-Urban Coalition (Coalition), the Association of California Water Agencies (ACWA) submits the following comments regarding the fifth draft of the Delta Stewardship Council's (Council) staff Delta Plan. The Coalition is a diverse group of public water agencies, cities, associations and other interested groups located above, within, and below the Bay-Delta. See attached list of participants. We are committed to the achievement of the coequal goals of statewide water supply reliability and the restoration of a sustainable Delta ecosystem while protecting and enhancing the unique cultural, recreational, natural resources and agricultural values of the Delta as an evolving place.

In June, 2011, the Coalition submitted to the Council an Alternate Delta Plan. The Alternate Plan is intended to provide constructive input to the Council and your staff as you continue to refine the draft Delta Plan.

The Alternate Plan is built upon several foundational policy elements that we believe must be incorporated into the Delta Plan if the Council is to be successful in its efforts to advance the coequal goals.

- The co-equal goals must be advanced concurrently to encourage and maintain active participation by all the responsible governmental agencies and stakeholders that have a vested interest in the successful implementation of the Delta Plan.
- The Council must embrace its governance role not as a regulatory body but as a facilitator to improve communication, coordination and integration amongst the various local, state and federal agencies that have statutory and/or regulatory responsibilities in the Delta. The role as facilitator should also extend to private, public and nongovernmental organizations as the Council explores innovative partnerships.
- The Delta Plan must ensure that all the significant factors ("stressors") affecting the co-equal goals are analyzed in a comprehensive, integrated manner so the Council and partnering agencies can objectively assess trade-offs between proposed actions, and leverage limited resources to most efficiently and effectively advance the coequal goals.

- Science and adaptive management are critical to the successful implementation of projects designed to advance the co-equal goals. The Council should develop a “science plan” which amongst other elements identifies the critical role of the Independent Science Panel in assisting the Council and other agencies to prioritize and modify, when needed, actions designed to advance the co-equal goals.

The Coalition has reviewed the fifth draft of the staff Delta Plan and compared it with our Alternate Plan. While the fifth draft is a significant improvement over the fourth draft, we believe that it still lacks a detailed strategy and actions that will incorporate the aforementioned policy elements. Based on our review of the 2009 Delta Reform Act (Act), we believe that there are specific actions and approaches that the Council can implement efficiently and effectively to advance the coequal goals. Our Alternate Plan identifies numerous actions and recommendations within three timeframes, near-term; medium-term and long-term, that the Council could implement in a manner that is consistent with the intent and authorities established under the Act. Each near-term action is specific, with deadlines identified when appropriate. Many of the near-term actions are designed to improve coordination amongst the various responsible agencies as medium- and long-term actions begin to be developed and implemented.

Governance

With regards to governance, the fifth draft continues to miss an opportunity to set forth a strategy and set of actions whereby the Council establishes its leadership role as a facilitator of coordination, cooperation and integration amongst the myriad of local, state and federal agencies that have statutory and regulatory responsibilities in the Delta. This role is one of the foundational blocks of the Delta Reform Act and essential to the achievement of the coequal goals. As the Delta Vision Foundation pointed out in its recent Executive Summary for the 2011 Delta Vision Report Card (page ES-6), there is a need “to establish a mechanism in the form of an “action team” to coordinate activities of all agencies, departments and appointed governing bodies (policy planning, and regulatory) responsible for implementing the *Delta Vision Strategic Plan* and authorizing legislation.” We believe this is exactly the role the legislature intended for the Council under the 2009 Delta Reform Act. The Alternate Plan proposes ten actions and recommendations primarily aimed at: (1) establishing necessary strategies to facilitate coordination amongst agencies; (2) developing metrics to measure success; and (3) reporting, reconsidering and adjusting plan implementation, as warranted.

The Alternate Plan also sets forth a comprehensive approach to further the coequal goals through existing, legally enforceable mechanisms, as well as the Council’s authority to determine the “consistency” of covered actions with the Delta Plan. Most of the actions advanced in the Alternate Plan can be undertaken without the promulgation of additional burdensome regulations. Furthermore, the strength of the Alternate Plan rests on the promotion of voluntary, binding agreements amongst responsible agencies to enhance coordination, and an increased emphasis on partnerships and incentive-based projects and programs that encourage participation.

We continue to find the explanation of “covered actions” and “consistency” determinations extremely vague and ambiguous. As, many of the agencies responsible for conducting a

consistency assessment and determination stated at the September 19, 2011 Council work session on *Covered Actions and Governance*, the lack of clarity, concise explanation and direction leaves will likely lead to a misunderstanding as to what are the Council's expectations. Given the critical role consistency determinations play in the timely and efficient implementation of projects in the Delta, such confusion is unacceptable. This was recognized by the Council members and staff who participated in the work session. It was agreed that a second work session on "covered actions" should be convened. We believe that this work session should be conducted prior to the closure of the public comment period for the draft Delta Plan Environmental Impact Report (EIR) so that parties can comment more effectively on this critical component of the EIR.

Statewide Water Supply Reliability

Improving statewide water supply reliability is one of the two coequal goals that the Delta Plan must be designed to achieve. From the Coalition's perspective, we believe the key criteria identified in the Act to achieve this goal are: (1) meeting the needs for reasonable and beneficial uses of water for the people and communities of California; (2) sustaining economic vitality of the State, which includes the Delta's communities; and (3) improving water quality to protect human health and the environment. Ensuring water supply reliability will require actions to protect existing water infrastructure, expand storage and conveyance water infrastructure, and encourage proactive efforts to increase regional water supply self-reliance. We encourage the Council to begin identifying specific actions to advance these objectives. The Alternate Plan identifies 48 actions and recommendations under ten categories of management strategies to improve statewide water supply reliability. In addition, the plan identifies six strategies comprised of twelve actions and recommendations to promote research to address the effects of various contaminants on the water quality and the Delta ecosystem.

Restoring the Delta Ecosystem

As the Coalition has stated in all of our previous comments and as a cornerstone of our Alternate Plan, restoring the Delta ecosystem requires a strategy that ensures all the significant factors ("stressors") affecting the co-equal goals are analyzed in a comprehensive, integrated manner. As the Delta Independent Science Board (DISB) pointed out in its comments to the Council on the fifth staff draft Delta Plan (letter to the Council from Dr. Richard Norgarrd, Chair DISB, page 2, September 16, 2011), while integration of the issues affecting the Delta is critical to developing a plan that can effectively advance the coequal goals, the chapters on specific issues make so little reference to the interrelationships amongst the major issues. "This makes it appear as if problems can be managed separately and as if there are not tradeoffs among solutions to different problems." We believe that this lack of integration is most obvious in how the draft Delta Plan addresses the multitude of factors adversely affecting the Delta ecosystem. The draft plan treats these factors as independent of one another with no discussion whatsoever given to the possible relationships between the factors. Such an approach will likely fail to adequately consider tradeoffs and allow for reasonable, objective analysis of potential outcomes. As we have stated in our previous comments, we believe an approach that looks at the factors affecting the Delta in isolation from one another may inadvertently preclude opportunities, limit the Council flexibility, and quite possibility lead to actions that may not contribute to achievement of

the coequal goals. The Coalition's Alternate Plan, on the other hand, recognizes that restoring the Delta ecosystem will require an ecosystem strategy and program that: (1) addresses all the significant factors ("stressors") affecting the Delta ecosystem as it exists today in an integrated manner; (2) is based on best available science at the time specific actions are being developed; and (3) has a credible adaptive management component that ensures sufficient monitoring and analysis of the effects of actions on the Delta ecosystem, to provide the Council an opportunity to modify strategies and actions, as warranted. The Alternate Plan identifies 32 actions and recommendations exercising four management strategies.

Delta as a Place

A key goal of the Delta Reform Act, embraced by the Ag-Urban Coalition, is that the coequal goals will be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources and agricultural values of the Delta as an evolving place. The Alternate Plan proposes 14 actions and recommendations for structural and non-structural measures to improve flood protection and reduce the risk to people, property and State interests in the Delta, as well as seven measures to improve emergency preparedness. In addition, the Alternate Plan offers eight actions and recommendations to protect and enhance the values of the Delta, promote economic sustainability over the long-term, provide for local involvement in decision-making, and to promote and facilitate local participation in habitat restoration projects. As with our other proposed actions and recommendations, we encourage the Council and staff to review these actions and recommendations and consider incorporating them in the revised draft staff plan.

Finance Plan

Financing the Delta Plan will require resources from numerous sources and entities. To encourage financial participation, the Delta Plan must identify specific actions that will significantly advance the coequal goals, and then clearly demonstrate the benefits to those parties who are expected to pay for those actions. We agree with the conclusion on page ES-7 of the Executive Summary for the 2001 Delta Vision Report Card, that "[t]here needs to be greater clarity as to the meaning and practical interpretation of the concept of "beneficiaries" pay." The Alternate Plan calls for a mix of funding strategies that includes but is not limited to existing bond funds, successful passage of the 2012 water bond, general fund revenues, and federal appropriations. The Alternate Plan provides seven financing actions and recommendations.

This concludes our comments on the staff's fifth draft of Delta Plan. As we stated in our opening remarks, we encourage the Council and your staff to review our Alternate Plan and identify opportunities to incorporate it in your next draft Delta Plan. The actions and recommendations set forth in our Alternate Plan are consistent with and we believe, can more efficiently and effectively advance the coequal goals while protecting the unique characteristic of the Delta as an evolving place. As we have offered in past communications, members of the Ag-Urban Coalition would welcome the opportunity to sit down with the Council staff and explore possible ways we could integrate the two efforts.

Ag-Urban Coalition comment letter
Fifth Staff Draft – Delta Plan
September 30, 2011

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Quinn", with a stylized flourish extending to the right.

Timothy Quinn
Executive Director
Association of California Water Agencies

Attachment: Ag-Urban Coalition Participants

Ag Urban II Coalition Participants September 2011

Water Organizations

- Association of California Water Agencies (ACWA)
- California Latino Water Coalition
- Coalition for a Sustainable Delta
- Mountain Counties Water Resources Association
- Northern California Water Agencies (NCWA)
- State and Federal Contractors Water Agency (SFCWA)
- San Joaquin River Group Authority (SJRGAA)
- Southern California Water Committee (SCWC)
- State Water Contractors (SWC)
- Water Resources Association of Yolo County

Business / Ag Organizations

- California Building Industry Association (CBIA)
- California Business Property Association
- California Chamber of Commerce
- California Farm Bureau Federation (CFBF)
- California Grocers Association
- Regional Council of Rural Counties (RCRC)
- Western Growers
- Valley Industry and Commerce Association

Water Agencies

- Anderson-Cottonwood Irrigation District
- Alameda County Water District
- Banta-Carbona Irrigation District
- Bella Vista Water District
- Browns Valley Irrigation District
- Calaveras County Water District
- Calleguas Municipal Water District
- Carmichael Water District
- Central California Irrigation District
- Citrus Heights Water District
- City of Corona, DWP
- City of Folsom
- City of Roseville
- City of Sacramento
- Coachella Valley Water District
- Contra Costa Water District
- Cucamonga Valley Water District
- Del Paso Manor Water District
- Del Puerto Water District
- Desert Water Agency

Water Agencies (continued)

- Eastern Municipal Water Agency
- El Dorado County Water Agency
- El Dorado Irrigation District
- Fair Oaks Water District
- Firebaugh Canal Water District
- Friant Water Authority
- Glenn-Colusa Irrigation District
- James Irrigation District
- Kern County Water Agency
- Lake Hemet Municipal Water District
- Las Virgenes Municipal Water District
- Metropolitan Water District of Southern California
- Mojave Water Agency
- Nevada Irrigation District
- Placer County Water Agency
- Oakdale Irrigation District
- Orange Vale Water Company
- Rancho California Water District
- Rancho Murieta Community Services District
- Reclamation District No. 2068
- Reclamation District 800
- Regional Water Authority
- Sacramento Suburban Water District
- Sacramento Regional County Sanitation District
- San Diego County Water Authority
- San Bernardino Valley Municipal Water District
- San Juan Water District
- San Luis & Delta-Mendota Water Authority
- San Luis Water District
- Santa Clara Valley Water District
- South San Joaquin Irrigation District
- Tehama-Colusa Canal Authority
- Three Valleys Municipal Water District
- Tuolumne Utilities District
- Turlock Irrigation District
- Utica Power Authority
- Vallecitos Water District
- Valley Center Municipal Water District
- West Stanislaus Irrigation District
- Western Canal Water District
- Western Municipal Water District
- Westlands Water District
- Yolo County Flood Control & Water Conservation District
- Yuba County Water Agency
- Zone 7 Water Agency